

2015 REVIEW OF LOCAL AIR QUALITY MANAGEMENT – CONSULTATION ON REGULATORY AND GUIDANCE CHANGES.

Part IV of the Environment Act 1995, places a statutory duty on local authorities to periodically review and assess the air quality within their area. Where it appears that the air quality objectives will not be met by the designated target dates, local authorities must declare an Air Quality Management (AQMA) and develop action plans in pursuit of those objectives.

Whilst reviews of local air quality management (LAQM) have concluded that local authorities are very effective at diagnosing air quality hot spots, they are less effective at implementing measures to improve air quality and very few Air Quality Management Areas (AQMAs) have ever been able to be revoked.

Despite measures to improve air quality, the UK like many other Member States, is having problems meeting EU Air Quality standards and is also at significant risk of infraction, especially with regard to nitrogen dioxide exceedance. This exceedance in part is caused by the poor abatement performance of euro standards for certain vehicle classes and also increased use of diesel by the vehicle fleet.

Defra are carrying out the second stage in a three part consultation covering a review of Local Air Quality Management (LAQM) delivery in England

The first consultation was carried out in 2013.

Defra received 232 substantive responses and 18000 campaign emails to the 2013 consultation

Following the 2013 consultation the Government response was to:-

- Review the range of air quality objectives that apply to local authorities, taking into account the relevance of these objectives for health protection and levels assessed in recent years.
- Make proposals to introduce annual reporting on air quality for local authorities based on a streamlining of the current reporting process.
- Make improvements to the LAQM policy and technical guidance in order to update it in line with current policy and to:
 - Further clarify the roles and responsibilities of those involved in tackling air quality, particularly in two-tier authorities
 - Identify and provide access to information about evidence based measures to improve air quality.

This consultation is divided into two parts. Part 1 relating to regulatory change is the main focus of the consultation. The second part of this consultation which relates to non-regulatory changes to LAQM will be consulted on fully later in the year; however this consultation document paves the way for this next stage.

Part 1: Regulatory change.

Defra, as part of the Red Tape Challenge has looked to remove some of the reporting burdens in relation to LAQM.

The current LAQM regime requires local authorities to review and assess air quality within their area for a wide number of pollutants. Due to improvements in vehicle technology and cleaner fuels four of these pollutants have levels that have been well within objective levels for a number of years.

This consultation proposes the removal of the following four objectives from local authority reporting purposes.

- 1,3 Butadiene
- Benzene
- Carbon Monoxide
- Lead

As there are no AQMAs declared for these pollutants, removal from regulations will not result in any savings for local authorities.

The consultation includes a draft statutory instrument, which is required to make the proposed regulatory change.

Defra has asked two consultation questions in relation to Part 1 the proposed response is as follows:

Question 1: Does the draft statutory instrument achieve its stated purpose of removing the four pollutant objectives for LA reporting purposes?

Yes

Question 2: Do you have any final comments regarding the decision to remove the four pollutants and in particular on the assessment of costs and benefits?

Whilst the removal of the pollutants will simplify reporting process, there is unlikely to be any significant costs or benefits to local authorities. The pollutants that are proposed to be removed from the LAQM regime are not ones that are currently monitored for or included within scope for assessment.

Part 2: Non regulatory changes to LAQM

There is clear evidence that particulate matter has a significant impact on human health. PM_{2.5} in particular due to its microscopic size can penetrate deep into the human respiratory system.

There is no safe threshold for PM_{2.5} and it has been included within the public health framework indicators.

Defra are proposing to introduce a PM_{2.5} role for local authority teams so that alongside measures to tackle other pollutants, they also consider action to address PM_{2.5}.

The view of Defra is that PM_{2.5} should be included within local authority responsibility as guidance rather than regulation. Local authorities would therefore not be required to review and assess for PM_{2.5}, but implement measures to target its reduction.

It is proposed to streamline the reporting requirements of the LAQM regime by reducing the amount of reports that are required to be submitted by local authorities.

It is proposed that the following individual reports will no longer be required and that the relevant information contained within them is included within one single annual report:

- Updating and Screening Assessment (USA)
- Detailed Assessment
- Further assessments (currently being removed via the De-Regulation Bill)
- Progress Report
- Air quality Action Plan progress Report

It is proposed that local authorities will still have a statutory requirement to review air quality in their areas as part of the Environment Act 1995, and where a pollutant is in exceedance, declare an AQMA and prepare an action plan setting out measures to address the problem. Local authorities will need to provide an annual 'status' progress report on developments. This report will amalgamate core information and data requirements from the reports which are to be removed.

Defra are proposing to engage with local authorities to develop a template for this new report, which will be subject to further consultation in the second half of 2015.

Defra are also proposing to strengthen guidance and clarify air quality roles and responsibilities in two tier authorities to improve partnership between county and district.

The proposals from part two will be further developed and will be subject to further consultation and a further impact assessment.

Defra asks one consultation question in relation to part 2 of this consultation, the proposed response is as follows:

Question 3: Do you have any evidence on the costs or benefits of our proposals under Part 2 to help us finalise the preferred options and develop the detailed guidance for final consultation in 2015?

The impact assessment that accompanies the consultation highlights the current cost to local authorities in implementing the present LAQM regime. These costs are presented as potential savings; however there is little information in relation to additional costs that local authorities may incur.

The impact assessment highlights the savings that can be made from the reduction in the number of reports that are required, however the work (and therefore costs) associated with these reports are still to be required and are just reported under a new format in a single report, it is therefore not clear how these savings could be quantified.

The proposed reduced reporting requirements may lead to some savings if the simplified approach allows for more of the required work to be carried out in house rather than having to be outsourced to consultants.

The impact assessment highlighted that significant savings could be made from reducing local air quality monitoring and relying instead on national assessment modelling.

In the 2013 consultation, many LA's expressed concern that this would result in a significant scaling back of pollution monitoring across England. The consultation report itself acknowledges that hotspots outside national assessment may get overlooked and lead to some health impacts.

A move away from actual monitoring and the data it provides could lead to less accurate local knowledge about pollution conditions. This could make planning decisions less informed and may require additional monitoring work to be undertaken by developers which could result in delays to the planning process.

Local information is also used for the Air Alert scheme which is aimed at those members of the public who are the most sensitive to poor air pollution and enables them to take preventative action in the event of episodes of poor air quality. The savings highlighted in this report would threaten such services and could lead to increases in hospital admissions.

The costs of these potential increased hospital admissions and other costs that could arise from local health issues resultant from reduced monitoring have not been included within this assessment.

The consultation points to the fact that there is no specific requirement for local authorities to carry out monitoring under the current LAQM, however the assessment work that has been carried out by local authorities to date would not have been possible without it.

The inclusion of PM_{2.5} within local authority responsibilities, is a welcome one in terms of its health significance, however, it could cause pressure for local authorities to increase monitoring as a result.

Nevertheless, the proposed changes are likely to result in greater freedom and flexibility for local authorities to decide what level of monitoring would be required based on local priorities and budgetary considerations.

